

February 28, 2022

Esteemed Chairs Lopes and Williams,
Members of the Housing Committee:

The Western Connecticut Council of Governments (WestCOG) appreciates the opportunity to comment on the following bills:

- Senate Bill 202, *An Act Concerning Property Tax Abatement for Certain First-Time Homebuyers*. In Connecticut, the Connecticut Housing Finance Authority (CHFA) and the United States Department of Agriculture (USDA) provide publicly-supported mortgages to low- and moderate-income homebuyers. Both products help promote homeownership and reduce the cost of housing and are treated as such by the CT Department of Housing for affordable housing purposes. As drafted, however, SB 202 omits USDA mortgages. WestCOG recommends that the bill be adjusted to **allow municipalities to abate taxes on both CHFA and USDA mortgages**. In addition, WestCOG suggests that consideration be given to **allow the first year of the tax abatement to be applied to property taxes due at closing**. Doing so would reduce closing costs, which are often a principal impediment for low- and moderate-income households in buying a home.
- House Bill No. 5205, *An Act Concerning Fair Rent Commissions*. WestCOG **opposes** this bill. Under current state law, municipalities may establish a “Fair Rent Commission” when they determine it is in their public interest and to disestablish it when it is not. HB 5205 would involuntarily and permanently establish such a Commission in municipality with at least 14,000 residents, regardless of whether the creation of such a Commission is in the municipal interest.

WestCOG is concerned that bill as drafted may create liability for local governments. Commissions would dispose of powers similar to a court, including to compel personal appearance and testimony, to issue subpoenas, and to intervene in contracts between private parties. Yet commission members are not required to be trained or certified commensurate with these powers, and the bill does not indemnify or otherwise protect municipalities from the consequences that may result from Commission actions. While state law provides for Commissions to retain legal counsel – presumably, at the expense of local taxpayers – municipalities that have not found the creation of a Commission in the public interest should not have to take on the expense of supporting such a Commission and the cost of associated counsel and risk of litigation associated with it.

If there is a broader statewide need for the hearing and adjudication of the concerns of landlords and tenants, it should be addressed in a consistent manner, at the state level.

- Senate Bill 168, *An Act Establishing a Right to Housing*. WestCOG is concerned the bill may create liability for the state through the establishment of an expansive positive right.

Positive rights, which entitle persons to goods and services, are generally eschewed in American law. Limited resources make it unlikely that an expansive positive right can be satisfied at all times for all persons, and making an inability to provide goods and services a violation of rights may create a cause of action and substantial public exposure without commensurate public benefit.

Should you have questions, please do not hesitate to contact me.

Thank you for your consideration.

A handwritten signature in black ink that reads "Francis R. Pickering". The signature is written in a cursive style with a prominent horizontal line underlining the name.

Francis R. Pickering
Executive Director